

Application Serial No.: 10/673,986
Amendment and Response to May 16, 2006 Non-Final Office Action

REMARKS

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Claims 1 - 3, 5 - 11, 17, and 18 are in the application. Claims 1 - 3, 8 - 10, 17, and 18 were previously presented; claims 4 and 12 - 16 are canceled, and claims 5 - 7 and 11 remain unchanged from the original versions thereof. Claims 1, 17, and 18 are the independent claims herein.

No new matter has been added to the application as a result of the present Response. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102(e)

Claims 1 - 3, 5 - 11, 17, and 18 were rejected as being anticipated by Becker et al., U.S. Patent No. 6,981,223 (hereinafter, Becker). This rejection is respectfully traversed.

Regarding claims 1, 17, and 18, Applicant's claimed method, article of manufacture, and system relate to determining at least one media capability associated with each of a plurality of communication devices; determining availability information for each of the at least one media capability; and providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. Accordingly, it is clear that Applicant claims (a) determining at least one media capability associated with each of the claimed plurality of communication devices, and (b) providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. That is, for each of the plurality of communication devices, the at least one media capability of the plurality of communication devices is determined and the availability information of the at least one media capability is provided via a user interface.

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In contrast to Applicant's claims, the cited and relied upon Becker is directed to a graphical user interface including graphical indexing elements (e.g., tabs) for managing multiple message sessions. (See Becker, Abstract and col. 5, ln. 16 – 22) Applicant respectfully notes that Becker discloses a graphical user interface 1500 including a pals panel 1510 and a session tab 1520 for an engaged session. Referring to FIG. 15, five (5) individuals are listed in pals panel 1510. Of the five individuals, only "Jane" includes an indication of the availability. For each of the other four individuals Ken, Lou, Mary, and Ned no availability is provided, let alone determined as claimed by Applicant. In particular, Becker explicitly states that no availability is indicated for Ken's SMS mobile phone, and Lou's J2ME mobile phone since the devices do not provide such information. In the instance of Mary's fax machine and the Lou's email, the availability is merely indicated as being offline since that is the "typical" condition of each, without any determination being performed. (See Becker, col. 20, ln. 37 – 57)

The message options described above refer to "primary message" options. Becker also discloses "secondary message" options, as shown in window 1560. Though not specifically stated, there is nothing in Becker to indicate or suggest that the availability of the message options shown in window 1560 are provided in a manner different from the primary message options shown in window 1510. That is, Lou's computer browser, fax machine, email account, and internet phone message options are provided to the Becker system/method just like the primary message options, not determined as claimed. Applicant's reading of the disclosure is seen as correct and fair since, at least, window 1560 is an expansion of the message option provided for Lou in window 1510.

Therefore, it is clear that the Becker disclosed system and method do not determine availability information for each of the at least one media capabilities since the availability information is provided to the Becker user interface by the particular devices as opposed to being determined by the Becker for each device.

Also, Becker fails to disclose (or even suggest) the claimed providing for each of the plurality of communication devices, via a user interface, an aggregated view of data

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indicative of the availability information for each of the at least one media capability. It is clear from the explicit disclosure of FIG. 15 that the availability of each of the individual pals not determined. Thus, such data cannot be provided in an aggregated view or otherwise.

Accordingly, Applicant respectfully submits that claims 1, 17 and 18 are not anticipated by Becker. Furthermore, Applicant respectfully submits that dependent claims 2, 3, and 5 – 11 are also patentable over Becker for at least the reasons provided regarding claims 1. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 - 3, 5 – 11, 17, and 18 under 35 USC 102(e), as well as the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,

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Date

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